

Calendar No. 386

118TH CONGRESS
2D SESSION

H. R. 7109

IN THE SENATE OF THE UNITED STATES

MAY 9, 2024

Received; read the first time

MAY 14, 2024

Read the second time and placed on the calendar

AN ACT

To require a citizenship question on the decennial census, to require reporting on certain census statistics, and to modify apportionment of Representatives to be based on United States citizens instead of all individuals.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Equal Representation
5 Act”.

6 **SEC. 2. CITIZENSHIP STATUS ON DECENNIAL CENSUS.**

7 Section 141 of title 13, United States Code, is
8 amended—

1 (1) by redesignating subsection (g) as sub-
2 section (h); and

3 (2) by inserting after subsection (f) the fol-
4 lowing:

5 “(g)(1) In conducting the 2030 decennial census and
6 each decennial census thereafter, the Secretary shall in-
7 clude in any questionnaire distributed or otherwise used
8 for the purpose of determining the total population by
9 States a checkbox or other similar option for the respond-
10 ent to indicate, for the respondent and for each of the
11 members of the household of the respondent, whether that
12 individual is a citizen of the United States.

13 “(2) Not later than 120 days after completion of a
14 decennial census of the population under subsection (a),
15 the Secretary shall make publicly available the number of
16 individuals per State, disaggregated by citizens of the
17 United States and noncitizens, as tabulated in accordance
18 with this section.”.

19 **SEC. 3. EXCLUSION OF NONCITIZENS FROM NUMBER OF**
20 **PERSONS USED TO DETERMINE APPORTION-**
21 **MENT OF REPRESENTATIVES AND NUMBER**
22 **OF ELECTORAL VOTES.**

23 (a) EXCLUSION.—Section 22(a) of the Act entitled
24 “An Act to provide for the fifteenth and subsequent decen-
25 nial censuses and to provide for apportionment of Rep-

1 representatives in Congress”, approved June 18, 1929 (2
2 U.S.C. 2a(a)), is amended by inserting after “not taxed”
3 the following: “and individuals who are not citizens of the
4 United States”.

5 (b) EFFECTIVE DATE.—The amendment made by
6 subsection (a) shall apply with respect to the apportion-
7 ment of Representatives carried out pursuant to the de-
8 cennial census conducted during 2030 and any succeeding
9 decennial census.

10 **SEC. 4. SEVERABILITY CLAUSE.**

11 If any provision of this Act or amendment made by
12 this Act, or the application thereof to any person or cir-
13 cumstance, is held to be unconstitutional, the remainder
14 of the provisions of this Act and amendments made by
15 this Act, and the application of the provision or amend-
16 ment to any other person or circumstance, shall not be
17 affected.

Passed the House of Representatives May 8, 2024.

Attest: KEVIN F. MCCUMBER,
Clerk.

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